

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 13, 2023**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

PAIGE C.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:22-cv-00246-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 12, 24**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 24, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Victoria Chhagan represents Plaintiff. Attorney Michonne Omo represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop  
9 the record;
- 10 • Reevaluate the medical evidence, particularly the opinion of Dr.  
11 James Byrd;
- 12 • Reevaluate Plaintiff's symptom claims, including but not limited to  
13 testimony regarding fibromyalgia and headaches; and
- 14 • Issue a new decision.

15 *See* ECF No. 24 at 1-2.

16 3. Judgment shall be entered for **PLAINTIFF**.

17 4. Plaintiff's Motion for Summary Judgment, **ECF No. 12**, is **STRICKEN**  
18 **AS MOOT**.

19 5. Upon proper presentation, this Court will consider Plaintiff's application  
20 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED June 13, 2023.

4 s/Mary K. Dimke  
5 MARY K. DIMKE  
6 UNITED STATES DISTRICT JUDGE  
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